

Judge: Hon. Christopher M. Alston
Chapter: 7

**UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON**

In re:

CHRIS YOUNG DONG YOO,
JIEUN SONG YOO,

Debtors.

Bankruptcy No. 16-10191-CMA

Adversary Case No. 16-01179-CMA

EDMUND J. WOOD, solely in his capacity
as Chapter 7 Trustee for the Estate of
Chris Young Dong Yoo and Jieun Song
Yoo,

Plaintiff.

v.

CHRIS YOUNG DONG YOO and JIEUN
SONG YOO, husband and wife, and the
marital community composed thereof,

Defendants.

***EX PARTE* MOTION FOR ENTRY
OF ORDER OF DEFAULT AND
DEFAULT JUDGMENT AGAINST
DEFENDANTS**

Plaintiff Chapter 7 Trustee Edmund J. Wood, by and through his counsel of
record, Denice Moewes and Wood & Jones, P.S., moves this Court for an Order of
Default against Defendants Chris Young Dong Yoo and Jieun Song Yoo, husband
and wife, and their marital community ("Defendants"). In support of this Motion,
the Plaintiff asserts and alleges as follows:

***EX PARTE* MOTION FOR ENTRY OF ORDER OF DEFAULT AND DEFAULT JUDGMENT**

Wood & Jones, P.S.
303 N. 67th Street
Seattle, WA 98103
(206) 623-4382

1 1. This Motion is brought pursuant to Fed. R. Civ. P. 7012 and 7055,
2 and Fed. R. of Civ. P. 12 and 55.

3 2. The Plaintiff initiated the above-captioned Adversary Proceeding by
4 filing a Complaint (docket #1) on July 22, 2016.

5 3. A Summons and Notice of Pretrial Conference ("Summons") was
6 issued by the Court on July 26, 2016 (docket #2). The Summons and Complaint
7 were served on Defendant on July 27, 2016 (Docket #4). The Summons, and the
8 Complaint were served on Defendants by regular First Class mail, as required by
9 Bankruptcy Rule 7004(b), also by Certified Mail. The Summons and Complaint
10 were served on the Defendants, at the address listed on the schedules which has
11 not been changed with the Clerk of the Court, and on Debtors' counsel.
12

13 The Certified envelopes were returned as unclaimed, but the envelopes
14 sent First Class mail were not returned. See Supplemental Proof of Service
15 (Docket #7).

16 4. Pursuant to Fed. R. Bankr. P. 7012 and the Summons, Defendants
17 were required to file and serve a motion or an answer to the Complaint within 30
18 days after the date of issuance of the Summons, i.e. on or before August 25, 2016.
19 To date, no answer or other responsive pleadings have been filed with the Court
20 or received by the Plaintiff or his counsel. Accordingly, Defendants have failed to
21 plead or otherwise defend as required by the Federal Rules of Bankruptcy
22 Procedure and the Plaintiff is entitled to a Judgment by Default.
23

24 5. Fed. R. Civ. P. 55 (b)(2) (made applicable pursuant to Fed. R. Bankr.
25 P. 7055) requires at least three days' notice of the Application for Default
26 Judgment where the party or the party's representative had made an appearance
27 in the action. Otherwise, the default can be sought *ex parte* based upon the
28 declarations or other evidence of the party's failure to plead or otherwise defend.

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1 Here, there has been no appearance in this action by Defendants or any
2 representative of Defendants and, and as such, *ex parte* relief is appropriate. The
3 Defendants' requisite failure to plead or defend is evidenced by the Official ECF
4 docket for this action.

5 6. Filed concurrently herewith are an Order of Default and a Judgment.

6 WHEREFORE, the Plaintiff respectfully requests that this Court enter an
7 Order of Default and a Judgment against Defendants Chris Young Dong Yoo and
8 Jieun Song Yoo, and their marital community, for such other and further relief as
9 the Court may deem just and proper.
10

11 Dated this 29th day of August, 2016.

12 WOOD & JONES, P.S.

13
14 /s/ Denice Moewes

15 Denice Moewes, WSBA #19464
16 Attorney for Trustee/Plaintiff
17 Edmund J. Wood
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